

Message Text

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PAGE 01 STATE 090356

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FM SECSTATE WASHDC

TO AMCONSUL BELIZE

AMEMBASSY TEGUCIGALPA

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E.O. 11652: N/A

TAGS: EAIR, BH, HO

SUBJECT: CIVAIR: BELIZE AIRWAYS LIMITED PLANS FOR SERVICE
TO US, CENTRAL AMERICA

REFS: A) TEGUCIGALPA 1847, B) TEGUCIGALPA 1622,
C) BELIZE O.M. DATED 3/31/76, D) BELIZE 323

1. BEGIN UNCLASSIFIED. REF (C) AND (D) INDICATED A
PRINCIPAL OF BELIZE AIRWAYS LIMITED HAS ASKED CONGEN FOR
ASSISTANCE IN PROCESSING APPLICATION TO CAB FOR PASSENGER/
FREIGHT SERVICE TO MIAMI FROM BELIZE. DEPARTMENT RESPON-
SIBLE FOR TRANSMITTING LICENSE APPLICATION TO CAB ONCE
RECEIVED FROM BRITISH EMBASSY, AS WELL AS COMMENTING ON
ANY POSSIBLE FOREIGN POLICY IMPLICATIONS OF THE APPLICA-
TION. HOWEVER, FACT THAT BELIZE AIRWAYS HOPES TO BEGIN
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PAGE 02 STATE 090356

SERVICE THIS MAY, INDICATES CONSIDERABLE IGNORANCE OF

PROCEDURES AND PROBLEMS INVOLVED. YOU MAY WISH TO PROVIDE
BELIZE AIRWAYS WITH FOLLOWING INFORMATION FOR THEIR
GUIDANCE:

2. BEFORE BELIZE AIRWAYS COULD OPERATE INTO US IT
WOULD FIRST HAVE TO BE DESIGNATED BY UK AUTHORITIES TO
OPERATE ROUTE BETWEEN BELIZE AND MIAMI AS DESCRIBED IN

ANNEX III PARA FIVE OF US-UK AIR SERVICES AGREEMENT.
SUCH DESIGNATIONS MUST BE CONVEYED TO DEPARTMENT
THROUGH DIPLOMATIC CHANNELS BY UK GOVERNMENT.

3. IF AIRLINE IS DESIGNATED, IT WOULD HAVE TO APPLY TO
THE US CIVIL AERONAUTICS BOARD FOR A FOREIGN AIR CARRIER
PERMIT PURSUANT TO SECTION 402 OF THE FEDERAL AVIATION
ACT. APPLICATION MUST BE TRANSMITTED THROUGH
DIPLOMATIC CHANNELS. IN VIEW OF THE COMPLEXITY OF
APPLICATION PROCEDURES, IT WOULD BE ADVISABLE FOR THE
AIRLINE TO RETAIN SERVICES OF US ATTORNEY WHO WOULD
PREPARE APPLICATION AND PRESENT EVIDENCE REQUIRED BY CAB.
WITH REGARD TO SELECTION OF ATTORNEY, BELIZE AIRWAYS
COULD SOLICIT RECOMMENDATION FROM OTHER AIRLINES OR
REFER TO MARTINDALE-HUBBELL DIRECTORY IF AVAILABLE AT
POST.

4. APPLICATIONS FOR FOREIGN AIR CARRIER PERMITS ARE
SUBJECT TO PUBLIC EVIDENTIARY HEARINGS BEFORE CAB ADMIN-
ISTRATIVE LAW JUDGE (ALJ). AFTER ALJ MAKES HIS RECOM-
MENDATION (WHICH IS NOT BINDING), IT AND EVIDENCE
SUBMITTED AT HEARING WOULD FORM BASIS FOR PERMIT
DECISION BY FIVE MEMBERS OF CAB. DECISION OF MEMBERS
THEN SUBMITTED TO PRESIDENT FOR FINAL APPROVAL. IN
CONSIDERING THE APPLICATION, THE CAB, AMONG OTHER THINGS,
EXAMINES THE FITNESS AND ABILITY OF THE AIRLINE TO PROVIDE
THE PROPOSED SERVICES AND CONSIDERS WHETHER OR NOT THE
AIRLINE MEETS THE REQUIREMENT THAT OWNERSHIP AND CONTROL
OF THE AIRLINE MUST BE VESTED IN THE NATIONALS OF THE
COUNTRY WHERE THE AIRLINE IS ESTABLISHED. THE APPLICA-
TION PROCEEDINGS MAY BE LENGTHY AND CUMBERSOME; THERE
IS NO POSSIBILITY THAT THEY COULD BE COMPLETED BY MID
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PAGE 03 STATE 090356

MAY 1976.

5. IF A PERMIT WERE OBTAINED, BELIZE AIRWAYS WOULD BE
REQUIRED TO FILE ITS INITIAL TARIFFS WITH THE CIVIL AERO-
NAUTICS BOARD. IT WOULD ALSO HAVE TO CONSULT WITH THE
UNITED STATES FEDERAL AVIATION ADMINISTRATION TO
OBTAIN AN APPROVED SET OF OPERATING SPECIFICATIONS.
THIS DOCUMENT DESCRIBES AIRCRAFT, TYPE OF OPERATIONS

PERMITTED AND OTHER TECHNICAL DETAILS, FOR EXAMPLE MAXIMUM AUTHORIZED TAKEOFF WEIGHT FOR SHORT RUNWAYS OR HIGH FIELD ELEVATIONS AT POINTS IN US TO WHICH AIRLINE INTENDS TO OPERATE. FINALLY, AIRLINE WOULD BE REQUIRED TO SUBMIT TO CAB "AIRPORT NOTICE" FOR EACH US AIRPORT AT WHICH IT INTENDS TO LAND, DESCRIBING OPERATION THERE. THESE ARE GENERALLY STANDARD, SHORT ROUTINE NOTICES, BUT THEY

PRESUPPOSE THAT AIRLINE HAS CONSULTED AND MADE ARRANGEMENTS WITH LOCAL AIRPORT AUTHORITIES IN EACH CASE, AND IS PREPARED TO FULFILL ANY SPECIAL LOCAL REQUIREMENTS. END UNCLASSIFIED.

6. BEGIN LIMITED OFFICIAL USE. SEVERAL ASPECTS OF BELIZE AIRWAYS PROPOSAL TROUBLESOME AND SUPPORT JUDGEMENT THAT APPLICATION WOULD NOT PROSPER BEFORE CAB. IDEA THAT ANY GROUP IN BELIZE COULD MUSTER CAPITAL AND OTHER RESOURCES NECESSARY FOR OPERATION OUTLINED IN CONGEN O.M. AND REFTEL D APPEARS DUBIOUS. REFTELS INDICATE POSSIBLE INVOLVEMENT OF OUTSIDE PRINCIPALS IN HONDURAS, INCLUDING OFFICIAL OF GOH. IF THIS PROPOSAL AT ALL SERIOUS, MONEY FROM OTHER SOURCES MAY ALSO BE INVOLVED. WE WOULD APPRECIATE ANY ADDITIONAL INFORMATION ON THE BACKGROUND OF THIS PROJECT WHICH MAY COME TO THE ATTENTION OF CONGEN AND EMBASSY TEGUCIGALPA.

7. FYI: ONCE BELIZE BECOMES INDEPENDENT, WE WOULD NOT WISH TO EXTEND THE APPLICABILITY OF THE US-UK AIR SERVICES AGREEMENT TO THE NEW COUNTRY, SINCE THE ROUTE RIGHTS CONTAINED IN THE AGREEMENT HAVE BEEN NEGOTIATED ON THE BASIS OF ESTABLISHING RECIPROCAL BENEFITS BETWEEN THE US AND UK, NOT BELIZE. THERE WOULD BE LITTLE ADVANTAGE LIMITED OFFICIAL USE

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PAGE 04 STATE 090356

TO US AVIATION INTERESTS IN A ROUTE EXCHANGE WHICH WOULD RESULT IN ACCESS BY US AIRLINES TO THE LIMITED BELIZE MARKET WHILE PERMITTING BELIZE ACCESS TO THE FAR MORE LUCRATIVE US MARKET. IN ABSENCE OF AN AGREEMENT, THERE WOULD BE NO BASIS FOR GRANTING AN OPERATING PERMIT TO A BELIZE AIRLINE, UNLESS, AT SOME FUTURE DATE A US AIRLINE STARTED SERVING BELIZE AND WE WOULD BE OBLIGED TO GRANT RECIPROCAL BENEFITS. IF A BELIZE AIRLINE WERE TO OBTAIN A US OPERATING PERMIT WHILE THE US-UK AIR SERVICES AGREEMENT REMAINS OPERATIVE WITH REGARD TO BELIZE, THE CONDITIONS OF THE PERMIT WOULD HAVE TO BE REVIEWED UPON INDEPENDENCE. END LIMITED OFFICIAL USE. KISSINGER

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